

**COMMITTEE ON COMMUNITY SERVICES**  
(Standing Committee of Berkeley County)

The COMMITTEE ON COMMUNITY SERVICES, Standing Committee of Berkeley County Council, met on Monday, September 15, 2003, in the Assembly Room, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:07 p.m.

PRESENT: Mrs. Judith K. Spooner, Councilmember District No. 2, Chairman; Mr. Milton Farley, Councilmember District No.1; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Dennis L. Fish, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Steve C. Davis, Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, ex-officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Caldwell Pinckney, Jr., Councilmember District No. 7, was excused from this Committee Meeting.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Committee meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Council members, the News media, and other interested citizens.

Chairman Spooner called the meeting to order and asked the Committee's approval of the Minutes for Community Services Meeting held on August 11, 2003.

It was moved by Councilmember Crosby and seconded by Councilmember Farley to approve the Minutes for the Community Services Meeting held on August 11, 2003. The motion passed by unanimous voice vote of the Committee.

Item A. Consideration of a Resolution authorizing an amendment to the Pimlico Special Tax District By Laws.

Chairman Spooner stated in the first paragraph of the bylaws the Committee has it says, "If the Commission has included in its budget any expenditure that exceeds \$50,000 or involves multi-year monthly contract, the Commission shall first present the proposed expenditure to the residents of the Tax District at a special public hearing." She stated it was pretty much the consensus that the expenditure be lowered to \$25,000. However, there was a suggestion from a citizen that this not apply for expenditure in an emergency situation. The question was, what constitutes emergency? The County considers an emergency something that is very serious, dire situations, etc., which are not specified in the bylaws. Chairman Spooner stated that if possible, the Attorney could draft something to that effect. This would not apply to expenditure for emergency that would seriously affect lives or property. Also, "it would not affect multi-year contracts for normal expenditures such as grass cutting", which was left in the budget.

It was moved by Councilmember Crosby and seconded by Councilmember Fish to approve the Pimlico Bylaws with the changes as presented. The motion passed by unanimous voice vote of the Committee.

Chairman Spooner asked the County Attorney why it was denoted in the bylaws that only registered voters would be able to serve as Commissioners?

Mr. Stokes stated the State Constitution requires that any office holders elected to a position be a registered elector (registered voter). Therefore, the Commissioners would need to be registered voters because they would be office holders under the State Constitution. As far as the voting for the nominees to this Council, it is both a State and Federal Constitutional requirement that registered voters be the ones to make that selection. If you allow property owners then others may be excluded, and the US Supreme Courts held that it is impermissible and in violation of the Fourteenth Amendment. There are several United States Supreme Court decisions that have said due process requires the electors to be registered voters. This is with regard to the By-Laws of Pimlico as it may apply because this is, in effect, a non-binding election. The individuals that are presented are nominees that are presented to Council and would be determined based upon that vote. If it were non-binding, then it would be okay to allow property owners to vote and additional registered owners, which would become a practical problem in that the freehold estate of the individual property owner would have to be determined. If there were joint tenants with two to twenty individuals that own the property, how many votes would each person get or how many votes would be allotted for each particular property. Mr. Stokes stated the most practical way is to allow only the registered voters to participate.

It was moved by Councilmember Crosby and seconded by Councilmember Fish to reflect the changes as denoted by Mr. Stokes. The motion passed by unanimous voice vote of the Committee.

Chairman Spooner advised that a list of registered voters may be obtained from the office of Registrations and Elections.

Item B. Review prior to Third Reading of Bill No. 03-43, An Ordinance authorizing the acceptance of the transfer of authority for conducting municipal elections in the Town of St. Stephen to the Berkeley County Voter Registration and Election Commission; to define the powers, duties and responsibilities assumed by the Berkeley County Voter Registration Commission for the conduct of Municipal Elections in the Town of St. Stephen; to provide for the reimbursement of all costs and expenses incurred by the Berkeley County Voter Registration and Election Commission in the conduct of such Municipal Elections; and to provide for other matters relating thereto.

It was moved by Councilmember Crosby and seconded by Councilmember Steve Davis to send Bill No. 03-43 to Council for Third Reading. The motion passed by unanimous voice vote of the Committee.

The Meeting adjourned at 6:15 p.m.

October 13, 2003  
Date Approved

**COMMITTEE ON COMMUNITY SERVICES**  
(Standing Committee of Berkeley County Council)

Chairman: Mrs. Judith K. Spooner, District 2

Members: Mr. Milton Farley, District No. 1  
Mr. William E. Crosby, District No. 3  
Mr. Charles E. Davis, District No. 4  
Mr. Dennis Fish, District No. 5  
Mrs. Judy C. Mims, District No. 6  
Mr. Caldwell Pinckney, Jr., District No. 7  
Mr. Steve C. Davis, District No. 8  
Mr. James H. Rozier, Jr., Supervisor, ex officio

A meeting of the COMMITTEE ON COMMUNITY SERVICES, Standing Committee of Berkeley County Council, will be held on Monday September 15, 2003, in the Assembly Room, 223 N. Live Oak Drive, Moncks Corner, S. C., at 6:00 p.m.

**AGENDA**

**APPROVAL OF MINUTES**

August 11, 2003

A. Consideration of a Resolution authorizing an amendment to the Pimlico Special Tax Districts By Laws.

B. Review prior to Third Reading of Bill No. 03-43, An Ordinance authorizing the acceptance of the transfer of authority for conducting municipal elections in the Town of St. Stephen to the Berkeley County Voter Registration and Election Commission; to define the powers, duties and responsibilities assumed by the Berkeley County Voter Registration Commission for the conduct of Municipal Elections in the Town of St. Stephen; to provide for the reimbursement of all costs and expenses incurred by the Berkeley County Voter Registration and Election Commission in the conduct of such Municipal Elections; and to provide for other matters relating thereto.

September 10, 2003  
S/Barbara B. Austin  
Clerk of County Council